

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA §  
§  
v. § CASE NO. 4:12CR232(2)  
§  
OSWALDA TIBURCIA HERRERA §

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636. On April 5, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Suppress Statements (Dkt. 69) be GRANTED and that the Government be precluded from using Defendant's post-arrest statement in its case-in-chief.

Both parties having agreed to waive their right to object to the findings of the Magistrate Judge, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that Defendant's Motion to Suppress Statements (Dkt. 69) is GRANTED and the Government is precluded from using Defendant's post-arrest statement in its case-in-chief.

**IT IS SO ORDERED.**

SIGNED this the 9th day of April, 2013.

  
RICHARD A. SCELL  
UNITED STATES DISTRICT JUDGE